

OPEN SPACE COUNCIL  
MINUTES  
Legislative Hall  
Senate Hearing Room, Second Floor  
Dover, DE  
March 9, 2010  
9:00 a.m.

ATTENDANCE

Council Members:

Lynn W. Williams, Chairperson

Wayne Holden.

George Bunting, Senator

Gerald Brady, Representative

John Schroeder

Advisory to:

Ex-Officio:

Charles A. Salkin, Parks & Recreation, DNREC

Guests:

Staff:

Matthew Chesser, Parks & Recreation, DNREC

Shelley DiBona, Fish & Wildlife, DNREC

Austin Short, Forestry, DDA

Elena Stewart, Parks & Recreation, DNREC

Michael Valenti, Forestry, DDA

Ron Vickers, Parks & Recreation, DNREC

Bob Ehemann, Parks & Recreation, DNREC

I Call to Order/Announcements

Mrs. Lynn Williams, Chairperson, called the regular Open Space Council meeting to order at 9:15 a.m. She welcomed Council members, visitors, and staff and asked for announcements.

II Minutes of September 15, 2009 and December 8, 2009 Meeting

Mrs. Williams asked for approval of the September 15, 2009 and December 8, 2009 meeting minutes. Minutes were approved as presented.

III Financial Report

Mr. Vickers asked Council if they would agree to reducing the amount of paper used for Council business by sending all material, including minutes, financial reports, and maps via email instead of post office mailing. Council agreed to try this route at this time.

Presentation of the financial report:

The remainder of FY2009 Bond Bill funds is \$1,223,234.44. There are also two anticipated reimbursements from federal sources: CELCP-\$995,000 and Wildlife Restoration-\$300,000.

There are two previously approved properties pending settlement from FY2009 funds - Borthwick property at Blackbird State Forest and Larrimore/Hitchens property, north of Trap Pond State Park totaling \$2,206,550.00.

If all Federal monies come in as anticipated, there will be \$311,000 remaining from FY2009 funds.

The FY2010 Bond Bill appropriation is \$2,550,000, available on June 30, 2010. Two previously approved projects (NFV for \$1.6 million and Glatfelter- Hudson/ Jones for \$500,000) leaves a remaining balance from FY2010 funds of \$450,000.

There were three settlements since the December 8, 2009 meeting:

Niblett- 0.59 acres on Broad Creek; donated to the Division of Fish & Wildlife

DTCC Educational Foundation- 246.06 acres added to the Midlands Wildlife Area for \$2,189,934

Port Mahon/TNC – 59 acres added to the Little Creek Wildlife Area for \$120,000

Mr. Vickers discussed the Calendar Year 2009 Open Space Program Projects report. Nine projects involved fee simple acquisition of 539 acres for \$9,029,881.20. Three projects were conservation easements protecting 117 acres for \$2,072,500.00. From July 1, 1990 thru December 31, 2009 the Open Space Program protected 50,834 acres in 312 projects at a cost of \$238,309,287.40 of Open Space funds and \$62, 874,382.27 of private, federal, and NGO funds for an overall total of \$301,183,669.67.

Mrs. Williams said the law that created the Open Space Program requires a report to the legislature every five years. With Council's permission, Mrs. Williams asked to send the report through the Council's representatives from the legislature. Senator Bunting and Representative Brady agreed to provide the information to all members of their respective

chambers. Mrs. Williams said the program has accomplished good things, especially in such hard economic times.

Mr. Holden represented the Open Space Council at the Joint Bond Bill Committee in February 2010. He used examples of land preservation transactions that resulted in reduced purchase prices and leverage opportunities. He also conveyed the need for more money, even if it was only seed money, thus allowing the program to work with other partners to accomplish protection goals. Mr. Salkin said Mr. Holden's presentation was well-received.

#### IV Agency and Public Presentations

##### State Resource Areas Update:

Mrs. Williams said work on the SRA maps is continuing, however, at a slower pace than anticipated. The language in the Land Protection Act is not clear and needs to be resolved. The Department is looking at a more comprehensive internal approach to resource management that would involve all program areas. The new approach is called Conservation Opportunity Areas (COAs) which is more broadly based than SRAs. The idea is to involve all program areas across the Department by reviewing existing databases and creating maps reflecting overlapping issues. In theory, these COA maps would be the first data reviewed when any project is presented to the Department. If a project involves a mapped COA, the staff responsible for that project must obtain a specific reason why a site is to be designated a COA, and how this designation might impact that specific project. The end result would be better coordination across the Department in addressing multiple program issues with specific projects. The COA work is not under the Open Space Council's purview.

Mrs. Williams read a statement for the record that explains the status of the SRA process:

“The development of standards and criteria for the State Resource Areas is at the direction of the Open Space Council. At a previous Council meeting a timeline was recommended for this procedure. At this time the Interagency Working Group charged with presenting the standards and criteria to the Council is working on a more comprehensive approach and is gathering more specific programmatic information. A more detailed report will be forthcoming at a future Council meeting.”

Mr. Schroeder asked if the law or the past lawsuit lays out a timeline for updating the SRAs. Mrs. Williams said the lawsuit does not have a time frame. Mr. Vickers said the Land Protection Act states that we are to provide updated maps to the counties every five years in cycle with the Comprehensive Land Use Plans. The New Castle County plan is due in 2011. Council unanimously approved of the statement about the status of the SRA process.

##### Trust Fund Park Projects:

Mrs. Williams reminded Council of its discussion and unanimous support for transferring its duties related to the Land and Water Conservation Trust Fund grant projects to the Parks and Recreation Advisory Council. To date, a bill sponsored by Representative Brady addressing this issue passed in the House and is ready for a vote in the Senate. Representative Brady said he is planning to meet with Senator McDowell soon to move this forward.

Mr. Ehemann presented the Delaware Land & Water Conservation Trust Fund (DTF) 2009 Park Projects. The program funds three types of projects: (i) land acquisition, (ii) recreation

development, and (iii) planning and design. The Program grants \$750,000 annually. Local communities must provide a 1:1 match.

A list describing the eleven Park Grant Requests was distributed. To fully fund this year's requests, \$750,000 of grant funds and \$864.62 of contingency funds are needed. This year's list includes seven municipalities from New Castle County, New Castle County government and Sussex County government.

Senator Bunting asked if these were all the applications and noted that none of the ten towns in Sussex were on the list. Mr. Ehemann replied that these were the applications received this year and that last year several Sussex towns were funded. He also stated that each year all towns throughout the state receive a letter notifying them of the opportunity to apply for grant funds.

Mrs. Williams asked for a motion to approve the 2009 DFT Park Applications. Motion passed unanimously.

Mr. Chesser provided an update on the NVF project. Discussions are on-going with FEMA to provide the funding to demolish structures on-site and to restore the floodplain area. Some or all of the FEMA funds would be reimbursed to the Open Space Program.

Mr. Short reported that there is a verbal agreement with Glatfelter on the 385 acre Hudson/Jones tracts. It will be purchased with a combination of federal Forest Legacy money, Open Space Funds and foundation money. Delaware will also receive \$4.0 million in federal FY2010 Forest Legacy funds. Delaware also made the President's budget request for \$2.25 million in FY2011.

V Executive Session - Discussion of Site Acquisition Contracts  
There was no Executive Session.

VI Next Meeting and Adjournment

The Council agreed to change meeting days from Tuesday to Wednesday to avoid a conflict with Secretary O'Mara's Division Directors meetings. The new dates for the rest of the year are June 9, 2010, September 15, 2010 and December 15, 2010. Mrs. Williams asked for a motion to adjourn the meeting. The meeting adjourned at 10:27a.m.